IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5826 of 2005

Between:

T. Istari S/o T. Muthaiah
R/o 9-1-35/21/1, Vemulawda Kraimnagar District

..... PETITIONER

AND

1 The Deputy Transport Commissioner and Secretary, Road Transport Authorith, Karimnagar, Karimnagar District
2 The Circle Inspector of Police, Vemulawada, karimnagar District
3 The Station House Officer, Vemulawada Police Station, Vemulawada, Karimnagar District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 2nd respondent in seizing and detaining the petitioner's tractor and trailor bearing registration Nos. AAR 317 and AAR 318 respectively, pursuant to the check report dated 7.1.2005 and keeping the same in Vemulawada Police Station, as arbitrary and illegal and further direct the respondents to release the said vehicle to the petitioner herein forthwith.

Counsel for the Petitioner: SMT.M.VINOBHA DEVI

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in seizing and detaining the petitioner's Tractor and Trailer bearing No. AAR 317 & AAR 318 vide Check Report, dated 7.1.2005 as illegal and arbitrary.

The petitioner claims that he is the owner of the Tractor and Trailer bearing No.AAR 317 & AAR 318 and that his vehicle was seized by the 2nd respondent, vide Check Report dated 7.1.2005 for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder, has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to it. Therefore, the 1st respondent is directed to release the petitioner's Tractor and Trailer bearing No.AAR 317 & AAR 318 for interim custody on condition that the petitioner deposits a sum of Rs.5,000/- (Rupees Five Thousand Only) on the following terms and conditions.

1. *that the petitioner shall not alienate or transfer the vehicle.*
2. *that the petitioner shall not remove the spare parts of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required before the competent authority.*

4. *that the tax, if any due, may be adjusted out of the amount deposited by the petitioner.*

5. *that the petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

22nd March, 2005.

bcj

To

1 The Deputy Transport Commissioner and Secretary, Road Transport Authorith, Karimnagar, Karimnagar District
2 The Circle Inspector of Police, Vemulawada, karimnagar District
3 The Station House Officer, Vemulawada Police Station, Vemulawada, Karimnagar District

4 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

4 2 CD copies

5 1 CC to SMT.VINOBHA DEVI, Advocate

Note: Furnish copy in two days

B/o

bcj